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gative techniques (electronic surveillance;¹³ mail opening; or unauthorized entry¹⁴) should be used in the United States only by the FBI and only pursuant to the judicial warrant procedures described in Recommendations 53, 54 and 55.

This approach is similar to the Executive order except that the Order permits the CIA to open mail in the United States pursuant to applicable statutes and regulations (i.e., with a warrant). The Committee's recommendations (see Parts iii and iv), places all three techniques—mail opening, electronic surveillance and unauthorized entry—under judicial warrant procedures and centralizes their use within the FBI under Attorney General supervision. The Committee sees no justification for distinguishing among these techniques, all of which represent an exercise of domestic police powers¹⁵ which is inappropriate for a U.S. foreign intelligence agency within the United States and which inherently involve special dangers to civil liberties and personal privacy.

2. *Other Covert Techniques.*—The use of other covert techniques¹⁶ by the CIA within the United States is sharply restricted by Recommendation 7 to specific situations.

The Committee would permit the CIA to conduct physical surveillance of persons on the premises of its own installations and facilities. Outside of its premises, the Committee would permit the CIA to conduct limited physical surveillance and confidential inquiries of its own employees¹⁷ as part of a preliminary security investigation.

¹³ The activity completely prohibited to CIA includes only the interception of communications restricted under the 1968 Safe Streets Act, and would not limit the use of body recorders, or telephone taps or other electronic surveillance where one party to the communication has given his consent. For example, electronic coverage of a case officer's meeting with his agent would not be included. The prohibition also is not intended to cover the testing of equipment in the United States, when done with the written approval of the Attorney General and under procedures he has approved to minimize interception of private communications and to prevent improper dissemination or use of the communications which are unavoidably intercepted in the testing process. Nor does the prohibition preclude the use of countermeasures to detect electronic surveillance mounted against the CIA, when conducted under general procedures and safeguards approved in writing by the CIA General Counsel.

¹⁴ "Unauthorized entry" means entry unauthorized by the target.

¹⁵ As part of the CIA's responsibility for its own security, however, appropriate personnel should be permitted to carry firearms within the United States not only for courier protection of documents, but also to protect the Director and Deputy Director and defectors and to guard CIA installations.

¹⁶ "Covert techniques" means the collection of information including collection from records sources not readily available to a private person (except state or local law enforcement files) in such a manner as not to be detected by the subject. Covert techniques do not include a check of CIA or other federal agency or state and local police records, or a check of credit bureaus for the limited purpose of obtaining non-financial biographical data, i.e., date and place of birth, to facilitate such name checks, and the subject's place of employment. Nor do "covert techniques" include interviews with persons knowledgeable about the subject conducted on a confidential basis to avoid disclosure of the inquiry to others or to the subject, if he is not yet aware of CIA interest in a prospective relationship, provided the interview does not involve the provision of information from medical, financial, educational, phone or other confidential records.

¹⁷ For purposes of this section employees includes those employees or contractors who work regularly at CIA facilities and have comparable access or freedom of movement at CIA facilities as employees of CIA.

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